

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1297 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMESH @ VIRSING JESING

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner (Mr.DP Kinariwala,
rendered legal assistance to the petitioner)
Mr.V.B.Gharania, A.P.P.for Respondents

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 06/10/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.V.B.Gharania,
learned A.P.P. for the respondents. Mr.D.P.Kinariwala
learned Advocate rendered legal assistance to the
petitioner.

2. Heard. The short grievance in this Application

which has been forwarded by the Assistant Registrar of the Honourable Supreme Court of India to the Registrar of this Court, is that it has yet not been decided by the concerned Jail Authority.

3. The application inter-alia reveals that the prisoner's wife has been suffering from cancer for the last about 4 years. She had also applied for parole, but she was advised to approach the Honourable Supreme Court of India. As it is not possible for the petitioner's wife to move the Honourable Supreme Court of India on account of weak financial conditions, the prisoner has moved this application.

4. As against what has been said by the prisoner in his Application this Court observed in Criminal Appeal No.338 of 82 as under :

"Having regard to the Criminal activities of accused No.1 and flamable temper of accused No.1 the learned Public Prosecutor draw (drew) our attention that accused No.1 is involved in many criminal cases and still some cases are pending against him. Therefore, we hereby give a word of caution to Jail administration that whenever accused No.1 is released on furlough or parole the Jail administration should always see that a proper police eye is kept on accused No.1, so that nobody can be a victim of his criminal activities. The record clearly reveals that on any flimsy grounds for any reason at any time and any place accused No.1, not only kept fire-arms with him but had used the same whenever a situation arise whereby accused No.1 is likely to be released on furlough or parole by any authority the attention of the Courts or any authorities should be drawn to the aforesaid observation and the necessary caution of our apprehension."

3. Bearing in mind what is stated above following direction is issued :

The concerned Jail Authority will decide the petitioner's application for parole as stated above within a period of 10 days from today after ascertaining the facts set out by the prisoner and after bearing in mind the aforesaid note of caution, in accordance with law.

Rule made absolute in the aforesaid terms only.

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